

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

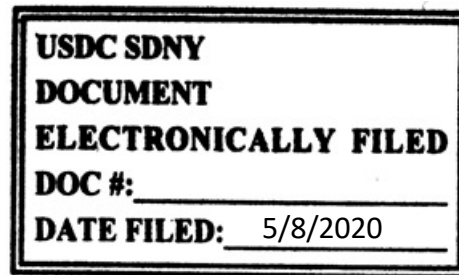
HAHA Global, Inc., et al.,

Plaintiffs,

-against-

Barclays et al.,

Defendants.



1:19-cv-04749 (VEC) (SDA)

ORDER

STEWART D. AARON, UNITED STATES MAGISTRATE JUDGE:

Upon the Court's review of the arguments raised by Barclays regarding the plausibility of the factual allegations in the Amended Complaint and the authenticity of the documents attached to Plaintiffs' opposition papers (*see* Barclays' Reply Mem., ECF No. 116, at 2-3, 7-9), the Court has serious concerns about the *bona fides* of Plaintiffs' claims. Accordingly, it is hereby Ordered that, no later than Wednesday, May 20, 2020, Plaintiffs shall file a sur-reply addressing Barclays' arguments. In addition, Plaintiffs shall re-file the relevant exhibits in a single filing as attachments to an appropriate declaration by counsel attesting to the authenticity of such exhibits.

Plaintiffs' counsel is reminded that, pursuant to Federal Rule of Civil Procedure 11, "[b]y presenting to the court a pleading, written motion, or other paper--whether by signing, filing, submitting, or later advocating it--an attorney . . . certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances . . . the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery[.]" Fed.

R. Civ. P. 11(b). A violation of Rule 11 may result in the imposition of sanctions against Plaintiffs and their counsel. *See* Fed. R. Civ. P. 11(c).

Plaintiffs sur-reply also shall address whether Plaintiffs intend to pursue any claims other than for breach of contract and breach of fiduciary duty, which are the only claims addressed in Plaintiffs' opposition to the pending motions to dismiss. *See, e.g., Levers v. Mount St. Mary Coll.*, No. 19-CV-10458 (DLC), 2020 WL 1922645, at *1 n.1 (S.D.N.Y. Apr. 21, 2020) (claim not addressed in opposition to motion to dismiss deemed abandoned); *see also Brandon v. City of New York*, 705 F. Supp. 2d 261, 268 (S.D.N.Y. 2010) (same) (citing cases).

SO ORDERED.

DATED: New York, New York
May 8, 2020



STEWART D. AARON
United States Magistrate Judge